

August 21, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0373

KCCCC, LLC

Bermuda Magisterial District
1101 Point of Rocks Road

REQUEST: Conditional Use to permit outdoor recreation and day care uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Outdoor recreation and day care uses, as restricted by Proffered Conditions 1 and 5, are planned. In addition, exceptions to required setbacks are requested, as discussed herein.

RECOMMENDATION

Recommend approval for the following reasons:

- A. While the Consolidated Eastern Area Plan suggests the property is appropriate for residential use of 1.5 dwelling units per acre or less, the proposed land uses are no more intense than uses that are currently permitted on the property.
- B. The proposed land uses are representative of, and compatible with, existing and anticipated area development.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITIONS:

- 1. The Textual Statement, dated August 7, 2007, shall be considered the master plan.
(P)

2. Except as stated in the Textual Statement and where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for outdoor recreational and day care center use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth District Areas, excluding buffer requirements. (P)

PROFFERED CONDITIONS

1. The uses permitted shall be limited to:
 - a) Outdoor Recreational Establishments
 - b) Picnic Shelters
 - c) Meeting and Conference uses as an accessory to structures on the property.
 - d) Daycare facility (P)
2. No outside public address system or speakers shall be permitted. (P)
3. No organized or sports association sanctioned athletic events (i.e. tournament play) shall be permitted. (P)
4. All Outdoor Recreational Establishment activities shall be limited to hours of operation of between 7 AM to 11 PM on Sunday through Thursday, and from 7 AM to 12 AM on Friday and Saturday. (P)
5. Daycare Facilities shall be limited to a building area of no more than 5,000 SF. Prior to the approval of any site plan for a daycare facility, the developer shall submit a noise study for review and approval by the Transportation Department. Costs associated with the noise study shall be the responsibility of the developer. The noise study shall determine the need, if any, for noise attenuation adjacent to Interstate 295 in accordance with Federal Highway Administration noise criteria with modifications approved by the Transportation Department. The developer shall be responsible for implementing any required mitigation measures. (P and T)

GENERAL INFORMATION

Location:

Southwest line of Point of Rocks Road and the west line of I-295. Tax ID 821-642-4471.

Existing Zoning:

A

Size:

3.6 acres

Existing Land Use:

Outdoor recreation facilities

Adjacent Zoning and Land Use:

North and East – R-7; Single-family residential and Route I-295 and Seaboard Coastline
Railroad right-of-way
South and West – A; Single-family residential or vacant

UTILITIES

Public Water System:

There is an existing six (6) inch water line extending along a portion of Point Of Rocks Road and terminating approximately 200 feet northwest of this site. Use of the public water system is required by County Code.

Public Wastewater System:

The public wastewater system is not available to serve the request site.

Health Department:

The Health Department must approve any new septic system or continued use of an existing septic system.

ENVIRONMENTAL

Drainage and Erosion:

This request will have minimal impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Enon Fire Station, Company Number 6 and Rivers Bend Fire Station, Medic Number 18 currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact fire and EMS.

Transportation:

The subject property is located south of Enon Church Road with frontage along Point of Rocks Road and Interstate 295. The property (approximately 3.6 acres) is currently zoned Agricultural (A) and the applicant is requesting a Conditional Use to permit outdoor recreation and day care uses. In 1974, the Board of Zoning Appeals approved a special exception request (74S172) to operate a non-profit civic recreational facility. Currently, a baseball field exists on the site; however, the field has not been in use for several years.

The traffic impact of this development must be addressed. The applicant has proffered to restrict the property to outdoor recreation facilities, picnic shelters, meeting/conference as accessory to structures, and daycare facilities (Proffered Condition 1). In addition, the applicant has proffered to limit the day care facility to a building of no more than 5,000 square feet (Proffered Condition 5). A 5,000 square foot day care center and an outdoor recreation facility are anticipated to generate approximately 540 average daily trips (ADT). These vehicles will be distributed along Point of Rocks Road to Enon Church Road, which had a 2006 traffic count of 4,313 vehicles per day between Point of Rocks Road and Route 10. Based on the volume of traffic it carried during peak hours, Enon Church Road in this area was functioning at an acceptable level (Level of Service C). No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

Interstate 295 extends along the eastern boundary of the property. Traffic noise from Interstate 295 impacts the property. A majority of the property is located within 200 feet of the limited access right-of-way line. Both recreation and day care uses are considered sound sensitive uses. Based on noise associated with outdoor recreation, the Transportation Department can support outdoor recreation on the property. Traffic noise may affect a day care facility due to the proximity of the site to Interstate 295. The applicant has proffered that prior to any site plan approval for day care uses that a noise study shall be submitted to address impacts of traffic noise on the use and mitigation measures that will be provided by the developer (Proffered Condition 5). The use of noise/sound walls would be an expensive improvement along the development's frontage to Interstate 295.

VDOT's "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for residential use of 1.5 dwelling units per acre or less.

Area Development Trends:

The area is characterized by single-family residential uses on acreage parcels and vacant properties west of the Route I-295 right-of-way and by single-family residential uses in the Prestwoud Farms subdivision east of the right-of-way. It is anticipated residential uses as suggested by the Plan will continue in this area for the foreseeable future.

Zoning History:

On August 7, 1974, the Board of Zoning Appeals granted a Special Exception for the operation of a non-profit civic and recreational facility and grounds on the request property. (Case 74S172)

Development Standards:

The request property has been developed as an outdoor recreation (baseball) facility with associated parking facilities. The applicant intends to use the existing facilities to accommodate the requested uses. However, if approved, there is nothing to preclude the development of new facilities to accommodate the uses. The recommended conditions would require any new development for outdoor recreational and daycare center use to conform to the development standards of the Ordinance for commercial uses in Emerging Growth Areas (Condition 2). Emerging Growth Standards address architectural treatment, access, parking, landscaping, setbacks, signs, utilities and screening of dumpsters and loading areas.

To minimize any potential adverse impact the uses may have on area development the applicant has submitted proffered conditions prohibiting outside public address systems and tournament types of athletic events; restricting hours of operation; and limiting the size of any daycare facility. (Proffered Conditions 2 through 5)

Setbacks:

As previously noted, recommended conditions would require any new development for outdoor recreational and daycare center use to conform to the development standards of the Ordinance for commercial uses in Emerging Growth Areas, except where the Agricultural (A) standards are more restrictive and except for buffer requirements. The applicant is requesting exceptions to the front, corner side and rear yard setback requirements of the Agricultural (A) District (Textual Statement). These requirements are more restrictive than the requirements for commercial uses in Emerging Growth

areas. Specifically, a sixty (60) foot exception to the required 100-foot front yard setback; a fifteen (15) foot exception to the required thirty-five (35) foot corner side yard setback; and a twenty (20) foot exception to the required twenty-five (25) foot rear yard setback, is requested.

Currently, in Emerging Growth Areas setbacks adjacent to limited access roads is forty (40) feet. As this standard is more restrictive than the Agricultural (A) requirements, the Emerging Growth Area standard would apply.

CONCLUSION

While the Consolidated Eastern Area Plan suggests the property is appropriate for residential use of 1.5 dwelling units per acre or less, the proposed land uses are no more intense than uses that are currently permitted on the property. In addition, the proposed land uses are representative of, and compatible with, existing and anticipated area development.

Given these considerations, approval of this request is recommended.

Textual Statement

This site shall be developed as a private Outdoor Recreational Establishment, in a manner as the site has been used previously by the Bermuda Optimist Club many years ago. The site will provide for outdoor softball fields and an Indoor Pavilion and Meeting Building. A Daycare facility may be developed on this site in the future.

The setbacks for buildings, parking and drives shall be:

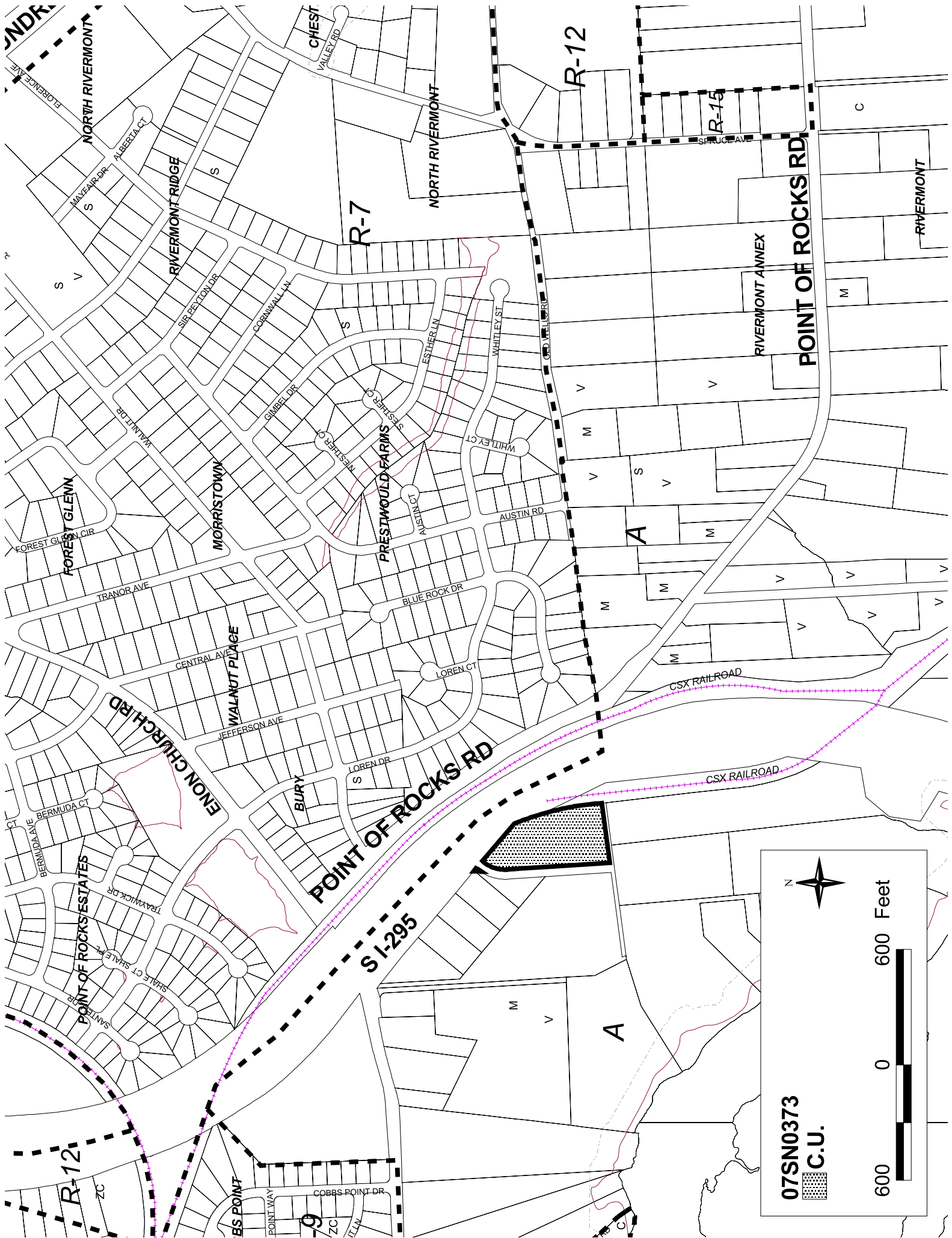
Forty (40') feet as measured from the ultimate right-of-way of Point of Rocks Road;

Twenty (20') feet as measured from the service road on the western side property line;


Five (5') feet as measured from the southern property line

Various conditions have been proffered to address specific development items and issues which may impact our neighbors.

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